

Class Recording Policy

I. APPLICABILITY

This policy governs class recordings made for student use, however accomplished, in all cases except when the recording is of student performances such as mock depositions, mock oral arguments or mock trials. This policy does not govern recordings of events other than classes, nor does it govern recordings made for an instructor's own pedagogical or scholarly use when such recordings are not to be made available to students. Student access to class recordings is a privilege, not a right, and neither the law school nor its agents or employees shall be responsible if a class recording is not available or is of inferior quality.

Intentional student misuse of recordings, intentional failure to disclose a prior denial of a recording request, or intentional misrepresentation in the course of requesting a recording shall be considered a violation of the institution's Academic Integrity Policy and the matter shall be referred to the Committee on Academic Integrity. If necessary, the Committee on Academic Integrity shall amend the Academic Integrity Policy to reflect that such conduct would fall within its prohibitions.

II. GENERAL PROVISIONS

A. Purpose of recordings: All recordings made for student use (whether by the Media Center or otherwise) are intended to allow for makeup by students whose absence from the relevant class had been excused, and student review of classroom presentations and discussions. Any other use, whether by students or others, is strictly prohibited without the prior, express permission of the relevant instructor.

B. Notice to student speakers: Students should assume that any class in which they are participants may be recorded. If they are uncertain and need clarification, they should consult the instructor in that class. It is good policy for instructors to remind students, in their syllabi or otherwise, that classes may be recorded.

C. Length of Posting on Web Portal/Use of Recordings Required: Unless an instructor designates a different time period, recordings will remain on the web portal until the end of the semester.

D. Who May Use Recordings: Only the student on whose behalf a request for recording for a preapproved reason was made (preapproved reasons for recording are set forth at III(A)), will be granted access to that recording, except that the Dean of Student Affairs has authority to authorize others to view an existing recording in the case of religious holidays, in the event of an untimely but preapproved request for recording, or when granting access to another person is necessary to enable the student in need to use the recording effectively.

E. Mode of Recording/Access to Recording:

1. **Mode:** The Media Center shall determine the mode of recording (audio or video) in light of individual instructors' stated restrictions, unique circumstances requiring a specific mode, and available resources.

2. **Access:** Recordings made for preapproved reasons shall be placed on the GW Law School web portal for access by the approved student(s) or, upon the authority of the Dean of Student Affairs, be otherwise made available to the approved student(s).

F. How and Where Student Requests for Recordings Should Be Made:

1. **Preapproved reasons:** Students requesting recording for a preapproved reason (set forth in III(A)) should make such requests to the Office of Student Affairs, not to instructors, by following the procedures outlined on the Student Affairs webpage on the GW Law website or otherwise provided to students by that Office. Prior to approving student access to a recording, the Office of Student Affairs will verify that the student's situation satisfies one of the preapproved reasons, normally by requiring adequate documentation from the student to support the request. A student may request a recording on behalf of another student, with the express permission of the student who needs the recording. A student who applies to the Office of Student Affairs for a class recording for preapproved reasons, and whose request is denied, must disclose this fact to an instructor if the student makes a request for a recording of the same class for any reason.

2. **Other reasons:** Student requests for recordings for reasons that are not preapproved should be made directly to the relevant instructor. Instructors who approve the recording of a class for an individual student may wish to recommend that students privately record the class instead of relying upon the resources of the Media Center. Tape recorders for this purpose are available at the Library Circulation Desk. The Dean of the Law School, the Dean for Academic Affairs, and/or the Dean of Students may make requests for Media Center recordings, subject to individual instructors' restrictions upon recording, in the event of an extraordinary emergency that would warrant the recording of classes for a significant number of students.

3. **Timing of requests:** All requests for Media Center recordings should normally be submitted to the Media Center at least one day before the class or classes to be recorded. This requirement may be waived by the Media Center or the Office of Student Affairs when extraordinary circumstances so require. The Media Center and the Office of Student Affairs may establish forms and additional procedures as needed to administer requests for Media Center recording of classes.

III. “PREAPPROVED” REASONS FOR MEDIA CENTER RECORDING OF CLASSES FOR STUDENT USE:

A. Preapproved Reasons: Unless the relevant instructor does not permit recording of *any* of his or her regularly scheduled classes, and subject to any conditions set out in an individual instructor policy (described below), the faculty hereby authorize the Office of Student Affairs to direct the Media Center, or its successor, to record classes for individual qualifying students, in the following limited situations (the “preapproved reasons”):

1. Death in the family
2. Observance of religious holidays (as determined annually and published by the George Washington University for university recognition, including reasonable travel as may be necessary)
3. Class conflicts caused by makeup classes necessitated by the instructor’s absence, or cancellation of classes due to inclement weather or other emergency
4. Serious family or medical emergencies
5. Jury duty
6. Military obligations
7. When recording is determined by the Office of Student Affairs to be an advisable means of accommodating a student’s ongoing medical condition or disability.

The term “family” is to be interpreted to include close family members and others with a close, family-like relationship to the student.

When the Office of Student Affairs verifies that a student’s request satisfies a preapproved reason, that Office of Student Affairs has discretion to determine the number of class hours that should be recorded.

B. Notice to Instructors: Whenever the Office of Student Affairs approves a student recording request for a preapproved reason, it shall give the relevant instructor(s) prior notice by email or other appropriate means of (1) the names and date(s) of the class or classes to be recorded, (2) if appropriate, the name of the student(s) on whose behalf the recording is being made and (3) the number of hours approved and/or expected to be approved in the future for each class.

C. Individual Instructor Policies Regarding Preapproved Recordings: The Office of Student Affairs shall annually request that each instructor submit and/or update a written recording policy including whether an instructor permits recording, the modes of recording (audio and/or video) that are permitted, and whether permission of

the instructor is required before releasing a recording to a student. These requests shall be made just prior to the fall term, and, for those instructors not teaching in the fall term, just prior to the spring term. Instructors who do not respond to these requests will be presumed to maintain any earlier-submitted policy; instructors who do not respond and have never provided recording policies to the Office of Student Affairs will be presumed to have consented to video and audio recording of classes.

IV. INSTRUCTOR REQUESTS FOR MEDIA CENTER RECORDING OF CLASSES FOR STUDENT USE

A. Media Center Recordings for Permissible Purposes

1. Requests to be Made to Instructor: Student requests that the Media Center record a class for a reason not considered preapproved under Section III (A) should be made directly to the instructor teaching the course. If Media Center resources are scarce, these recordings shall receive a lower priority than recordings scheduled for preapproved reasons. Instructors' requests for these recordings are subject to the instructor recording limits found in Section IV(A)(2) below. Instructors who approve the recording of a class for an individual student may wish to recommend that students privately record the class instead of relying upon the resources of the Media Center. Tape recorders for this purpose are available at the Library Circulation Desk.

2. Limits upon Permissible Requests by Instructors: Subject to Media Center resources, each instructor may request that the Media Center record for student use not more than 20% of the total number of hours taught by that instructor in a semester, when the request is made for a permissible, rather than a preapproved reason; there is no limitation on the number of makeup classes an instructor may ask the Media Center to record for student use. The Dean of Academic Affairs may increase the number of Media Center recording hours allocated to an instructor for good cause.

B. Non Media Center Recordings (Private Recordings by Students)

1. When Allowed: An instructor may authorize a student to privately record a class (i.e., other than by the Media Center) when the student must miss class for a reason deemed valid by that instructor. Neither the Media Center nor the Library shall be involved in such recording, its storage or archiving.

2. Express Permission to Privately Record Required: Unless an instructor expressly authorizes recording of his or her classes, students should presume that private recording of that instructor's class is *not* permitted. Instructors are encouraged to address policies relating to private recordings of classes in their syllabi by directly referencing this policy and/or by providing additional specific guidelines.

3. Governing Assumptions: Unless the relevant instructor expressly states otherwise, when allowed to make a private recording of a class the student authorized should assume (a) that it is to be an audio recording; (b) that a single recording is to be made and that it is not to be duplicated, transferred or shared with others, (c) that the storage media bearing the recording is to be turned into the instructor, if he or she supplies it, by the end of the semester or, if the student provides his or her own storage media, the recording is to be erased or destroyed by the end of the semester and (d) that the use of the recording is to be limited to the student for whom the class was recorded and the semester in which the class was taught.